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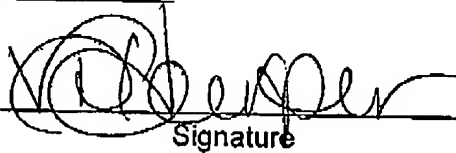
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10/648152

CL2123 US NA

Response to Restriction Requirement and Requirement for Election of Species and Non-Compliant Amendment

Page \_\_\_\_ of \_\_\_\_

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Rev. 4/96

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE APPLICATION OF:

PERRY G. CAIMI ET. AL.

CASE  
NO.:

CL2123 US NA

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MAY 09 2006

APPLICATION NO.: 10/648,152

GROUP ART UNIT: 1652

FILED: AUGUST 25, 2003

EXAMINER: RAO, MANJUNAH N

FOR: UTILIZATION OF STARCH FOR BIOLOGICAL PRODUCTION BY  
FERMENTATION**RESPONSE TO RESTRICTION REQUIREMENT AND  
REQUIREMENT FOR ELECTION OF SPECIES  
AND NON-COMPLIANT AMENDMENT**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

By Office Action dated February 8, 2006, and April 13, 2003, the above-referenced application has been made subject to a requirement to restrict and Non-Compliant Amendment, attached hereto. Applicants hereby provisionally elect to prosecute the invention of Group I, represented by claims 1, 2, 5 – 11, 15 – 22, and elect the nucleotide sequence represented by SEQ ID NO: 5. No species is provisionally elected because the species election is moot in view of the following Amendments. This provisional election is made with traverse and without prejudice to or disclaimer of the other claims or inventions disclosed.

Amendments to the Claims begin on Page 2, with proper status identifiers.

Remarks begin on page 8.

It is not believed that extensions of time are required beyond the one month extension provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefore are hereby authorized to be charged to our Deposit Account No. 04-1928.